S.B.CIVIL WRIT PETITION NO.6711/2003.

21.08.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Rajnish Gupta, for the petitioner.

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This writ petition has been filed by the non-applicant whose application before the Tribunal for impleading Gopal, owner of the vehicle No.RNT 2311, as party to the claim petition was rejected, though it was the case of the petitioner herein that the accident was caused by the aforesaid vehicle belonging to Gopal and not by the vehicle of which the petitioner is the owner.

I have perused the impugned order and having heard learned counsel for the petitioner, I am not inclined to interfere with the impugned order. The petitioner is free to raise the aforesaid defence and the learned Tribunal is expected, after recording the evidence of the parties to determine the aforesaid issue and decide the same according to law. In case the petitioner is able to satisfy the learned Tribunal regarding the aforesaid plea, the petitioner shall be entitled to the benefit of the same.

In the writ jurisdiction, it is not possible to decided the questions of fact which have been raised by the petitioner as to whether the accident was caused by the vehicle of which Gopal was the owner or of the petitioner

In view of the above, I find no good ground to interfere with the order passed by the learned Tribunal.

Consequently, this writ petition is dismissed summarily. The stay application also stands disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.